

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 1095 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE S.M.SONI and
MR.JUSTICE R.R.JAIN

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

RAMESHBHAI BHALABHAI PATEL

Versus

STATE OF GUJARAT

Mr.R.R.Shah for the petitioner
Mr.Y.F.Mehta, A.P.P.,for the respondent no.3

Coram: S.M.Soni & R.R.Jain JJ.
(27.8.96)

Oral Order :(Per Soni J.)

This petition is filed under Article 226 of the Constitution of India for a writ of Habeas Corpus to direct respondent nos.4 to 6 to produce Jalpa, daughter of the petitioner, before this court and to direct respondent nos.1 to 3 to actively gear up the State machinery to find out Jalpa, who has been taken away from the lawful guardianship and custody of the petitioner.

The Petitioner has filed a complaint before the

Police of kidnapping on 16.5.96. In the said complaint, it is alleged that one Vinod Manubhai Patel, respondent no.6 herein, has kidnapped Jalpa, minor, on 9.4.96. It is very clear from the allegations made in the complaint that Jalpa is alleged to have been kidnapped by Vinod. In view of the complaint registered, Police has recorded the statements of the petitioner and other witnesses. From the statements of those witnesses, it is clear that Jalpa and said Vinod were in love with each other, as a result of which on 9.4.96 they have eloped, which they came to know in the evening of that day. Despite the knowledge of the petitioner that

Jalpa has eloped with

Vinod, the complaint is filed only on 16.5.96. Thereafter, on 30.5.96, a further complaint is filed before DSP, Crime Branch, to enquire into as to at which stage the complaint registered as Degham C.R.No.75/90 has reached. In the said application to DSP, it is made out that the petitioner had approached number of times to Police Sub-Inspector of Degham Police Station, who has evaded to register the complaint under one or the other reason. This apart, it is clear from the letter addressed to DSP that despite the daughter having eloped on 9.4.96, son of the petitioner was married on 29.4.96. This suggests the seriousness of the petitioner into the allegation of elopement of alleged minor girl. Thus, it is clear that this is not a case of wrongful detention and production of the corpus before this court. It is clear from the complaint that it is a clear case of elopement of Jalpa with Vinod, who were in love with each other, and the same appears to be not acceptable to the members of the family and the elopement is a result thereof. Thus, it is not a case of wrongful detention and the petition is liable to be dismissed and is hereby dismissed. Notice discharged.

The amount of Rs.2000/- deposited by the petitioner is ordered to be paid to the Legal Aid Committee of the High Court.
